

REMARKS

Rejection of the claims under 35 USC §102

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by US 5,858,398 as evidenced by US 3,578,591. Applicants have amended that claims to obviate the rejection. As discussed in the telephone interview of February 6, 2007, Applicants have limited the claims to detergent surfactants and eliminated claims to compositions further containing lipids. Compositions taught by '398 contain both lipids and detergents. IN view of the amendments, Applicants request withdrawal of the 102 rejection.

Applicants have amended claims 4-6 and 22-24 to eliminate claims to compositions containing lipids and recite: a) the polypeptide is a protein (claims 4 and 22), b) polypeptide consists of a biologically active, therapeutic, or diagnostically useful polypeptide (claims 5 and 23), and c) the detergent consists of a cleavable detergent. Support for the amendments can be found in the specification on page 3 lines 2-5, page 6 lines 32-33, page 1 lines 12-14, and page 13 line 31 to page 14 line 2.

Rejection of the claims under 35 USC §103

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,858,398 as evidenced by US 3,578,591. Applicants believe the arguments and amendments made above in response to the 102 rejection are sufficient to overcome the 103 rejection and request withdrawal of the rejection.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1-8 and 21-24 should be allowable.

Respectfully submitted,

/Kirk Ekena/
Kirk Ekena, Reg. No. 56,672
Mirus Bio Corporation
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being
transmitted to the USPTO on this date: Feb. 6, 2008.

/Kirk Ekena/
Kirk Ekena